

REMARKS

In accordance with the foregoing, claims 1, 5, 8, 12, 15, 19, 20, 22, 26 and 31 have been amended and claim 44 has been added. No new matter has been entered. Therefore, claims 1-44 are pending and reconsideration is respectfully requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because it is believed that the amendments of claims 5, 12, 20, and 26 places these claims into condition for allowance as suggested by the Examiner, because the amendments of claims 1, 8, 15, 22, and 31 should not entail any further search by the Examiner since the Examiner should have anticipated the amendments as being within the scope of the application; and because the amendments at least place the application into a better form for purposes of appeal.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 3, 4, 6-8, 10, 11, 13-15, 17, 18, 22-25 and 31-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada et al. (U.S. Pub. 2001/0021663) in view of Cooper (U.S. Patent 5,711,448). In addition, claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada et al. in view of Cooper, further in view of Van Phuoc et al. (U.S. Patent 5,710,501). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that, as amended, claim 1 recites an electronic apparatus comprising an electronic device including a body; and one of at least first and second selectively interchangeable batteries coupled to the body, the first battery to supply current to said electronic device, the second battery to supply current and to provide information storage to said electronic device. The second battery includes a memory unit having a built-in main memory and a detachable auxiliary memory, and the electronic device stores data in the built-in main memory and the detachable auxiliary memory.

Thus, as amended, claim 1 expresses an example of an aspect of the invention, which,

as discussed in paragraphs [0020] and [0021] of the specification, is that the claimed electronic device provides for a selection of whether the electronic device should have an information storage function in addition to a communication function or whether the electronic device should have only a communication function.

Conversely, the reference to Samada is not directed to providing a user with a choice of which battery packs to use to be based on an expected or desired functional use of the disclosed portable telephone unit. As such, although Sawada discloses a battery pack 2 including a semiconductor memory 3 that may be replaced, *see Sawada in paragraph [0043]*, Sawada teaches that replacement battery packs also include a semiconductor memory. Thus, Sawada does not provide for an apparatus in which a user could choose one of a battery pack providing battery power, if the user desired to use the portable telephone unit for communication purposes, and a battery pack providing both a memory unit and battery power, if the user were to use the portable telephone unit for downloading information.

Since the reference to Cooper is not cited for the purpose of curing the defects of Sawada, as discussed above, and, in fact, does not cure those defects, it is respectfully asserted that claim 1 defines over the combination of Sawada and Cooper. Thus, the rejection of claim 1 is believed to be overcome.

Regarding the rejections of claims 8, 15, 22 and 31, it is noted that these claims recite substantially similar subject matter as claim 1 and that, therefore, the rejections of these claims are also overcome for substantially similar reasons as set forth above.

Regarding the rejections of claims 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 23-25 and 32-43, it is noted that the rejections of claims are overcome due at least to their dependence upon claims 1, 8, 15, 22, and 31.

Regarding the rejection of claim 16, it is noted that since the reference to Van Phuoc is not cited for the purpose of curing the defects of the combination of Cooper and Sawada, as discussed above, and, in fact, does not cure those defects, it is respectfully asserted that claim 16 defines over the combination of Van Phuoc, Sawada and Cooper. Thus, the rejection of claim 16 is believed to be overcome.

ALLOWABLE SUBJECT MATTER:

Applicants acknowledge with appreciation that claims 2 and 9 have been allowed. Applicants further note that claims 5, 12, 19, 20 and 26 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, claims 5, 12, 19-21, and 26-30 are believed to be allowable.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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